

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTIES OF ADAMS, CANYON, GEM,  
OWYHEE, PAYETTE AND WASHINGTON

TO ALL MAGISTRATES and CLERKS  
of the Third Judicial District

O R D E R

<b>FILED</b>	
11:00 A.M.	P.M.
NOV 9 1971	
WALTER FRY, CLERK	
<i>M. Kirkland</i>	
DEPUTY	

It has come to my attention that form #596 printed  
by Symms-York Company suggests that a Criminal Complaint can be  
laid before a person other than the Magistrate.

I direct your attention to I. C. A., Sections 19-501,  
19-502, 19-504, 19-505 and 19-506 (as amended).

In the future, no Clerk of this Court shall file a  
Criminal Complaint sworn to before any person other than a  
Magistrate, without same having been first presented to the  
Magistrate in order that he may make the determination required  
by I. C. A. 19-504, as amended by Chapter 79 of the 1969 Session  
Laws.

It is my opinion that if a Magistrate should issue a  
Warrant on a Complaint sworn to before any person other than a  
Magistrate, without making the determination provided for by  
Sec. 19-504, as amended by Chapter 79, 1969 Sessions Laws, such  
Magistrate would be acting without his jurisdiction and could  
possibly be subject to civil liability.

Dated this 9th day of November, 1971.

*Gilbert C. Morris*

Senior District Judge

TO ALL MAGISTRATES, CLERKS AND ATTORNEYS:

It is our feeling that in order to keep within the budgetary limits fixed by this court for the Magistrate's Division, and by reason of the statutory provisions of this State, all payments of compensation for Court appointed attorneys must be authorized by a District Judge.

We also feel, however, that the advice of the Magistrate who heard the matter would be invaluable to the District Judge who fixes the fee.

There is obviously considerable confusion in the minds of some of the attorneys as to how requests for fee payments should be handled and in order to clarify the matter we adopt the following procedure, to be effective immediately:

1. An affidavit executed by the attorney and a proposed order for the signature of a District Judge, together with one copy of each shall be entitled in the appropriate Magistrate's Court and shall be presented first to the Magistrate who handled the case along with the usual County claim form.

2. The affidavit shall contain a day to day itemization by the hour of the work done and the time spent, with the number of hours spent totaled. It shall pertain solely to the work done in the Magistrate's Division, and shall not include services performed in the case in District Court. All claimed expenses must be itemized.

3. Upon receipt of the above documents, the Magistrate will indicate upon the affidavit his recommendation as to the amount of the fee which should be allowed and forthwith cause all of the above mentioned documents, including the copies, to be delivered to the Clerk of the District Court, who will forthwith present same to a District Judge for further action.

Dated this 19th day of April, 1971.

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Gilbert C. Norris

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Robert B. Dunlap

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Edward J. Lodge  
District Judges